

**MODEL DISCOVERY PLAN<sup>1</sup>**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE SINCLAIR,

Plaintiff(s),

-against-

18 Civ.00790 (KMW)

**DISCOVERY PLAN**

MASHABLE, INC.,

Defendant(s).

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Pursuant to Federal Rule of Civil Procedure 26(f), during a conference on **July 7, 2020** between counsel for plaintiff **Stephanie Sinclair** (*plaintiff's name*) and counsel for defendant **Mashable, Inc.** (*defendant's name*), counsel for the parties discussed and agreed to the following discovery plan:

- (1) The parties shall exchange the initial disclosures required under Federal Rule of Civil Procedure 26(a)(1) no later than **8/10/2020**.<sup>2</sup>
- (2) Both plaintiff and defendant shall serve their first request for production of documents, pursuant to Federal Rule of Civil Procedure 34, no later than **9/25/2020**.
- (3) Both plaintiff and defendant shall serve their notices of deposition, pursuant to Federal Rule of Civil Procedure 30, no later than **10/2/2020**. Plaintiff anticipates deposing: (a) **Mashable, Inc.**; (b) **Savonn Anderson (former Mashable, Inc. employee)**; and (c) **A representatives from Facebook and/or Instagram, Inc.**. Defendant anticipates deposing: (a) **Stephanie Sinclair**; (b) \_\_\_\_\_; and (c) \_\_\_\_\_.
- (4) Depositions of the parties shall commence after **10/2/2020**, at mutually convenient dates and times, without prejudice to either party conducting a non-party deposition beforehand at a mutually convenient date, time and place.

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<sup>1</sup> The Court recognizes that discovery plans will vary in accordance with the needs of the parties. This Model Discovery Plan is intended only to guide the parties in developing more individualized plans.

<sup>2</sup> Fed. R. Civ. P. 26 provides that "[a] party must make the initial disclosures at or within 14 days after the parties' Rule 26(f) conference unless a different time is set by stipulation or court order, or unless a party objects during the conference that initial disclosures are not appropriate in the circumstances of the action and states the objection in the proposed discovery plan." Fed. R. Civ. P. 26(a)(1)(C).

*(Given the COVID-19 restrictions, the parties intend to use remote video deposition services such as Zoom or Blue Jeans to conduct depositions.)*

- (5) Both plaintiff and defendant shall serve subpoenas upon any third-party witnesses no later than **11/16/2020**, seeking the production of documents and/or depositions.
- (6) Plaintiff shall serve its expert's report upon defendants, pursuant to Federal Rule of Civil Procedure 26(a)(2), no later than **11/30/2020**.<sup>3</sup> The report shall set forth a complete statement of all opinions the witness will express, the facts on which the witness relies, and the process of reasoning by which the witness's conclusions are reached, and must otherwise comply with the requirements of Federal Rule of Civil Procedure 26(a)(2)(B).
- (7) Defendant shall serve its expert's rebuttal report upon plaintiff, pursuant to Federal Rule of Civil Procedure 26(a)(2), no later than **12/18/2020**.<sup>4</sup>
- (8) Depositions of the experts shall begin in time to be completed no later than **1/8/2021** for plaintiff's expert and **1/15/2021** for defendant's expert.
- (9) All discovery shall be completed by **1/27/2021**.
- (10) The parties may seek to schedule additional discovery as necessary, so long as it is completed by **1/27/2021** (*same date as appears in (9) above*).

**Signed:**

Plaintiff: Stephanie Sinclair  
[Plaintiff's Name]

James Bartolomei  
[Attorney's Printed Name]

/s/ James Bartolomei  
[Attorney's Signature]

Defendant: Mashable, Inc.  
[Defendant's Name]

James Rosenfeld  
[Attorney's Printed Name]

/s/ James Rosenfeld  
[Attorney's Signature]

SO ORDERED.

Dated: New York, New York

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KIMBA M. WOOD  
United States District Judge

<sup>3</sup> "Absent a stipulation or court order, the [expert] disclosures must be made at least 90 days before the date set for trial or for the case to be ready for trial." Fed. R. Civ. P. 26(a)(2)(D).

<sup>4</sup> "[I]f the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C), [such rebuttal shall be made] within 30 days after the other party's disclosure." Fed. R. Civ. P. 26(a)(2)(D).